IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL No.1485 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.7.2004 in W.P.No. 6976 of 1999 on the file of the High Court.)

Between:

P. Prabhakara Raju, S/o. Adinarayanappa,
R/o. Perugupalem Settur Mandal, Ananthapur District.

..... APPELLANT

AND

1 The Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad, rep. by its Secretary.
2 The Special Commissioner of Land Revenue, Andhra Pradesh at Hyderabad.
3 The Joint Collector, Anantapur.
4 The Mandal Revenue Officer, Settur Mandal, Anantapur District.
5 P. Narasimhappa, S/o. Thimmappa,
Perugupalem Village, Settur Mandal, Ananthapur District.

.....RESPONDENTS

Counsel for the Appellant : Mr.O.MANOHAR REDDY

Counsel for Respondents 1 to 4 : G.P. FOR REVENUE

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Assignment of Ac.3.50 cents in Sy.No.260/3A of Mulakaledu village, Settur Mandal in Anantapur District, made in favour of the petitioner-appellant by the then Tahsildar on 10th Januaary 1981, was sought to be cancelled on the basis of a communication made by fifth respondent. The Joint Collector, Anantapur – third respondent herein, after affording opportunity to the appellant, passed orders cancelling the assignment on the ground that assignment was made on misrepresentation of facts since the assignee was found to be ineligible for grant of assignment. Aggrieved by the said order of the Joint Collector, the assignee-petitioner filed a revision before the Commissioner of Land Revenue. The Commissioner of Land Revenue, Hyderabad, has remanded the case to the Joint Collector for giving a finding on each of the points raised by the revision petitioner, and after number of adjournments, on 20th July 1991, a detailed order was passed cancelling the assignment. Against this order, an appeal was preferred before the Special Commissioner, Land Revenue, who also, on 24th July 1996, dismissed the appeal, against which revision was preferred before the Government.

It appears that while the revision was pending before the Government, a report was called. Basing on the report and on going through the records, revision was dismissed. One of the grounds urged before us by the learned counsel for the appellant is that the appellant was not associated in the enquiry and report was called by the Government and a copy of the report was not made available to the appellant, and, therefore, report could not have been made use while dismissing the revision. There is much force in this ground inasmuch as, in case the Government wants to make use of the report, it ought to have associated the petitioner-appellant in the enquiry and supply a copy of the report to the appellant with an opportunity to challenge the same. Having not done so, the order dated 28th January 1999 is illegal and rendered void.

Consequently, the writ appeal is allowed, order impugned in the appeal is set aside, writ petition is allowed, and the order of the State Government is set aside with a direction to hear and decide the revision afresh in accordance with law.

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(DEVINDER GUPTA, C.J.)

29th November 2004.

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(G.ROHINI, J.)

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To

1 The Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
2 The Special Commissioner of Land Revenue, Andhra Pradesh at Hyderabad.
3 The Joint Collector, Anantapur.
4 The Mandal Revenue Officer, Settur Mandal, Anantapur District.

5 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).